

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: July 7, 2008	Department ID Number: CA 08-08

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

SUBMITTED BY: JENNIFER McGRATH,  City Attorney

PREPARED BY: JENNIFER McGRATH,  City Attorney

SUBJECT: ADOPTION OF ORDINANCE NO. 3807 AMENDING TITLE 2 OF THE
HUNTINGTON BEACH MUNICIPAL CODE RELATING TO
ADMINISTRATION AND PERSONNEL

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
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Statement of Issue: From time to time, minor changes and modifications are suggested for various Municipal Code Sections to address issues which have arisen. Minor changes are proposed to Title 2 to add consistency in the manner in which Directors of different departments are mentioned. The change to Section 2.15.030 is from Finance Director to Director of Finance to make it consistent with the designation of Directors in other charters. Section 2.24 and 2.52 change the designation of Chief of Police to Police Chief.

Funding Source: N/A

Recommended Action: Motion to: adopt Ordinance No. 3807, An Ordinance of the City of Huntington Beach Amending Title 2 of the Huntington Beach Municipal Code Relating to Administration and Personnel.

Alternative Action(s): Do not adopt Ordinance No. 3807

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 7/7/2008

DEPARTMENT ID NUMBER: CA 08-08

Analysis: Minor changes are suggested to several Municipal Code Sections which simply make for a uniform designation of Department Director for greater consistency throughout Title 2. Those changes are:

Chapter 2.15 Finance Department. The only change is from Finance Director to Director of Finance.

Chapter 2.24 Police Chief. The only change is from Chief of Police to Police Chief.

Chapter 2.52 Police Department. The only change is from Chief of Police to Police Chief.

Strategic Plan Goal: Provide quality public services with the highest professional standards to meet community expectations and needs, assuring that the city is sufficiently staffed and equipped overall.

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
37	1.	Ordinance No. 3807 Amending Title 2 of the Huntington Beach Municipal Code Relating to Administration and Personnel
	2.	Legislative Drafts of Chapters 2.15, 2.24, 2.52

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ATTACHMENT #1

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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING TITLE 2 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO ADMINISTRATION AND PERSONNEL

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 2.15.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.15.030 Director-Powers and duties. The Director of Finance shall be appointed by the City Administrator with the approval of a majority of the City Council. The Director shall have the following powers and duties:

SECTION 2. Section 2.24.010 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.24.010 Powers-Duties. The Police Chief shall have charge of the Police Department of the city, and it shall be his duty to preserve the peace.

SECTION 3. Section 2.52.040 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.040 Officers--Daily reports. All subordinate police officers shall report to the Police Chief each day, as to events occurring while such officers are on duty and all other information pertaining to general police regulations in the City which come to their notice.

SECTION 4. Section 2.52.060 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.060 Officers--Promotions. Those eligible to advancement to the next higher classification shall be promoted only upon recommendation of the Police Chief, and thereafter shall receive the salary provided for said classification. (216-6/21, 416-8/38)

SECTION 5. Section 2.52.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.070 Officers--Discipline. All police officers shall at all times be subject to the orders of the Police Chief, and shall be subject to call by the Police Chief at any time during the day or night.

SECTION 6. Section 2.52.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.080 Officer--Action upon derelictions. The Police Chief shall report to the Council or to the mayor, in writing without delay any dereliction of duty or misbehavior of any police

SECTION 6. Section 2.52.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.080 Officer--Action upon derelictions. The Police Chief shall report to the Council or to the mayor, in writing without delay any dereliction of duty or misbehavior of any police officer, and shall attend upon any and all investigations that may be held by the Council touching the conduct of any police officer.

SECTION 7. Section 2.52.090 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.090 Reserve police force--Established. There is established in the Police Department, a reserve police force. The reserve police force shall be a volunteer organization composed of qualified members who shall be subject to all applicable regulations and orders that are issued to the regular police officers of the department. The members of the reserve force may be called to active duty for the City at the discretion of the Police Chief.

SECTION 8. Section 2.52.110 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.110 Reserve police force--Training. Before being appointed as a member of the reserve police force, the recruit shall satisfactorily pass such training requirements as may be prescribed by the Council by resolution or by directive of the Police Chief. The recruit shall at all times during said probationary period, when called to duty, be under the direct control and supervision of a police officer.

SECTION 9. Section 2.52.120 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.52.120 Reserve police force--Rules and regulations. The City Council shall provide by resolution such further rules and regulations governing the reserve police force as it may deem necessary and all recruits and reserve police personnel shall be subject thereto and to such other and further rules, regulations and orders as may be prescribed by the Police Chief.

SECTION 10. Section 2.52.130 of the Huntington Beach Municipal Code is hereby deleted in its entirety.

SECTION 11. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk

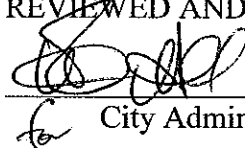
APPROVED AS TO FORM:



City Attorney

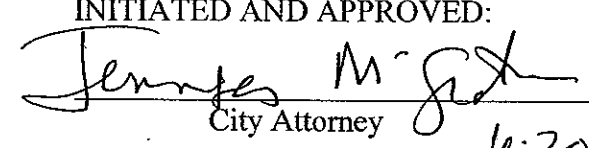
6.20.08

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED:



City Attorney

6.20.08

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ATTACHMENT #2

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LEGISLATIVE DRAFT

Chapter 2.15

FINANCE DEPARTMENT

(3752-11/06)

Sections:

- 2.15.010 Establishment
- 2.15.020 Objectives
- 2.15.030 Director--Powers and duties
- 2.15.040 Appointment of subordinates
- 2.15.050 Publish Financial Summary

2.15.010 Establishment. There is hereby established a Finance Department which shall include the staff functions of finance, and purchasing.

2.15.020 Objectives. The objectives of the department shall be to establish, facilitate and maintain support to City operating departments.

2.15.030 Director-Powers and duties. The Finance Director **of Finance** shall be appointed by the City Administrator with the approval of a majority of the City Council. The Director shall have the following powers and duties:

- (a) Direct, plan, organize and coordinate programs and activities of the Finance Department;
- (b) Establish and maintain a system of financial procedures, accounts and controls for the City government and each of its offices, officers, departments and agencies;
- (c) Provide direction for the control of all expenditures to insure that budget appropriations are not exceeded;
- (d) Manage the business license functions including the issuance of permits.
- (e) Direct and administer the City's centralized purchasing function with regard to procurement of all supplies, services and equipment for all City departments and agencies of the City.
- (f) Administration and enforcement of appropriate sections of Title 5 of the Huntington Beach Municipal Code relating to business licensing.
- (g) Administer and enforce all Municipal Code regulations including but not limited to:
 - (1) Huntington Beach Municipal Code Licensing Procedures
(Chapter 5.08)
 - (2) Huntington Beach Municipal Code Natural Resource Production
(Chapter 5.32)
 - (3) Transient Occupancy Tax
(Chapter 3.28)
 - (4) Late Charges
(Chapter 3.48)

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(5) Service Connections
(Chapter 14.08)

(6) Fees, Rates and Deposits
(Chapter 14.12)

2.15.040 Appointment of subordinates. The Director, with the approval of the City Administrator, shall appoint all other officers, assistants, deputies and employees of the Finance Department.

2.15.050 Financial and Accounting Duties of City Clerk Transferred. In accordance with Government Code sections 37209 and 40805.5, the financial and accounting duties imposed upon the City Clerk by Government Code sections 40802 through 40805 are hereby transferred to the Director of Finance.

LEGISLATIVE DRAFT

Chapter 2.24

POLICE CHIEF

(15-5/09, 403-9/37, 1248-10/66)

Sections:

- 2.24.010 Powers--Duties
- 2.24.020 Powers, immunities of Sheriff
- 2.24.030 Reports
- 2.24.040 Responsible for jail and prisoners
- 2.24.050 Other required acts

2.24.010 Powers--Duties. The ~~Chief of Police~~ **Chief** shall have charge of the Police Department of the city, and it shall be his duty to preserve the peace. (15-5/09, 403-9/37)

2.24.020 Powers, immunities of Sheriff. The Police Chief shall have the same powers that are now or may hereafter be conferred on Sheriffs by laws of the state, and shall be entitled to the same protection. (15-5/09)

2.24.030 Reports. The Police Chief shall make monthly and annual reports to the Council on the work of the Police Department. (1248-10/66)

2.24.040 Responsible for jail and prisoners. The Police Chief shall have charge of the City Jail and prisoners. (15-5/09)

2.24.050 Other required acts. The Police Chief shall perform such other acts as the laws of the state and ordinances of the Council may require. (15-5/09)

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LEGISLATIVE DRAFT

Chapter 2.52

POLICE DEPARTMENT

(216-6/21, 416-8/38, 639-1/56, 661-6/57, 1949-1/75, 3089-2/91)

Sections:

- 2.52.010 Established
- 2.52.020 Authority to arrest
- 2.52.030 Duty to enforce laws
- 2.52.040 Officers--Daily reports
- 2.52.050 False reports
- 2.52.060 Officers--Promotions
- 2.52.070 Officers--Discipline
- 2.52.080 Officer--Action upon derelictions
- 2.52.090 Reserve police force--Established
- 2.52.100 Reserve police force--Eligibility
- 2.52.110 Reserve police force--Training
- 2.52.120 Reserve police force--Rules and regulations
- 2.52.130 ~~Reserve police force--Roster~~
- 2.52.140 Repealed, Ord. 1979-6/75

2.52.010 Established. A Police Department is established in this City. (216-7/21)

2.52.020 Authority to arrest. Each and every member of the Police Department is authorized to make arrests and detain prisoners in all cases where a peace officer is so authorized under the law of the state. (216-7/21)

2.52.030 Duty to enforce laws. It shall be the duty of each and every member of the Police Department to enforce impartially all the laws and statutes of the United States and of the state of California and all of the ordinances of this City, within the limits of this City, and to perform such other and further duties as by statute and ordinance now existing or hereafter enacted, may be imposed upon them in their capacity as peace officers. (216-7/21, 1949-1/75, 3089-2/91)

2.52.040 Officers--Daily reports. All subordinate police officers shall report to the ~~Chief of~~ Police **Chief** each day, as to events occurring while such officers are on duty and all other information pertaining to general police regulations in the City which come to their notice. (216-7/21)

2.52.050 False reports. It is unlawful for any person wilfully to make to the Police Department, or any officer in the department, any false, misleading or unfounded report for the purpose of interfering with the operation of said department or for the purpose of inducing or causing to be issued a complaint or indictment against any person, firm or corporation. (639-1/56)

2.52.060 Officers--Promotions. Those eligible to advancement to the next higher classification shall be promoted only upon recommendation of the ~~Chief of~~ Police **Chief**, and thereafter shall receive the salary provided for said classification. (216-6/21, 416-8/38)

2.52.070 Officers--Discipline. All police officers shall at all times be subject to the orders of the Police Chief, and shall be subject to call by the ~~Chief of~~ Police **Police** at any time during the day or night. (216-6/21)

2.52.080 Officer--Action upon derelictions. The ~~Chief of~~ Police **Chief** shall report to the Council or to the mayor, in writing without delay any dereliction of duty or misbehavior of any police officer, and shall attend upon any and all investigations that may be held by the Council touching the conduct of any police officer. (216-6/21)2/912.52.090--2.52.140

Huntington Beach Municipal Code

2.52.090 Reserve police force--Established. There is established in the Police Department, a reserve police force. The reserve police force shall be a volunteer organization composed of qualified members who shall be subject to all applicable regulations and orders that are issued to the regular police officers of the department. The members of the reserve force may be called to active duty for the City at the discretion of the ~~Chief of Police~~ **Chief**. (661-6/57)

2.52.100 Reserve police force--Eligibility. Members of the reserve police force shall be between the ages of twenty-one (21) years and fifty (50) years, residents of the City, shall be of good character and shall have no physical disabilities. (661-6/57)

2.52.110 Reserve police force--Training. Before being appointed as a member of the reserve police force, the recruit shall satisfactorily pass such training requirements as may be prescribed by the Council by resolution or by directive of the ~~Chief of Police~~ **Chief**. The recruit shall at all times during said probationary period, when called to duty, be under the direct control and supervision of a police officer. (661-6/57)

2.52.120 Reserve police force--Rules and regulations. The City Council shall provide by resolution such further rules and regulations governing the reserve police force as it may deem necessary and all recruits and reserve police personnel shall be subject thereto and to such other and further rules, regulations and orders as may be prescribed by the ~~Chief of Police~~ **Chief**. (661-6/57)

2.52.130 Reserve police force--Roster. ~~The Chief of Police shall notify the City Clerk upon acceptance of an application of a recruit for training in the reserve police force and at all times shall keep a roster of all recruits in active training and under instruction.~~ (661-6/57)